

# Exhibit 28

*United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Abbott Laboratories,  
Inc., et al.,*  
Civil Action No. 01-12257-PBS

Exhibit to the July 24, 2009, Declaration of George B. Henderson, II  
In Support of United States' Common Memorandum of Law in Support of Cross-Motions for  
Partial Summary Judgment and in Opposition to the Defendants' Motions for Summary  
Judgment

JOHN WAIHEE  
GOVERNOR



HHS HCFA  
DIVISION OF MEDICAID  
REGION IX

WINONA E. RUBIN  
DIRECTOR

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LYNN N. FALLIN  
DEPUTY DIRECTOR

LESLIE S. MATSUBARA  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

May 13, 1992

Mr. Lawrence L. McDonough  
Associate Regional Administrator  
Department of Health & Human Services  
Health Care Financing Administration  
Division of Medicaid  
75 Hawthorne Street  
San Francisco, California 94105

Dear Mr. McDonough:

**RE: STATE PLAN AMENDMENT # 92-08**

We are transmitting State Plan Amendment HCAD # 92-08 relating to the pharmacy rebate program mandated by Section 4401 of the Omnibus Budget Reconciliation Act of 1990 (OBRA '90), for your review and approval.

The following assurances are provided in the implementation of the pharmacy rebate program:

1. The State will comply with the reporting requirements for State utilization information and on restrictions to coverage.
2. The State will allow manufacturers to audit utilization data.
3. The State will keep the unit rebate amount confidential and will not disclose it for purposes other than rebate invoicing and verification.
4. The State will not reduce its limits on covered outpatient drugs or dispensing fees effective January 1, 1991, unless it was out of compliance with federal requirements on November 5, 1990.

Mr. Lawrence L. McDonough  
May 13, 1992  
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Please convey our appreciation to Ms. Cynthia Williams of your staff for the technical assistance she provided in finalizing this amendment.

Contact Richard Isa at (808) 586-5386 should there be any questions concerning the amendment.

Sincerely,



Winona E. Rubin  
Director

Enclosure

cc: Mr. Bob Bath, HCFA Pacific Area Representative